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**Permanent Forum on Indigenous Issues**
**Tenth session**
New York, 16-27 May 2011
Item 3 (b) of the provisional agenda*
**Follow-up on the recommendations of the Permanent Forum: environment**

# Report of the International Expert Group Meeting on Indigenous Peoples and Forests

*Summary*

The present report provides an overview of the issues discussed at the International Expert Group Meeting on Indigenous Peoples and Forests, held from 12 to 14 January 2011, at United Nations Headquarters. It focuses on the conclusions and recommendations of the expert group meeting which, among other things, called upon States to recognize indigenous peoples' rights to forests; for the inclusion of indigenous peoples in the United Nations Conference on Sustainable Development (Rio+20) and in the commemoration of the International Year of Forests, 2011; and for United Nations agencies to undertake a compilation of good practices on forests and indigenous peoples as well as a compilation of relevant provisions of United Nations human rights instruments for advocating, defending and promoting indigenous peoples' rights to lands, territories and resources.

* E/C.19/2011/1.

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# I. Introduction

1. At its ninth session, the Permanent Forum on Indigenous Issues recommended that the Economic and Social Council authorize a three-day international expert group meeting on the theme "Indigenous peoples and forests". At its 45th plenary meeting, on 22 July 2010, the Council decided to authorize the international expert group meeting (see Council decision 2010/248), with the participation of members of the Permanent Forum, representatives of the United Nations system, other interested intergovernmental organizations, experts from indigenous peoples' organizations and interested Member States. It also requested that the results of the meeting be reported to the Permanent Forum at its tenth session. The workshop was organized by the secretariat of the Permanent Forum. The agenda and programme of work are attached as annex I.

# II. Organization of work

## A. Attendance

2. The following Permanent Forum members attended the workshop:

Simon William M'Viboudoulou

Paimaneh Hasteh

Myrna Cunningham Kain

Edward John

3. The following experts participated in the workshop:

Victoria Tauli-Corpuz (Asia)

Jennifer Koinante (Africa)

Marcial Arias García (Central and South America and the Caribbean)

Ronald L. Trosper (North America)

Mattias Åhrén (Arctic)

Merata Kawharu (Pacific)

Pavel Sulyandziga (Russian Federation)

4. The workshop was attended by observers from Member States, United Nations departments, agencies, funds and programmes, other intergovernmental organizations, indigenous peoples' organizations and non-governmental organizations. The list of participants is contained in annex II to the present report.

## B. Documentation

5. The participants had before them a draft programme of work and documents prepared by participating experts. Documentation for the expert group meeting is listed in annex III. The documentation is also available from the website of the secretariat of the Permanent Forum: http://www.un.org/esa/socdev/unpfii/en/ EGM_IPF.html.

## C. Opening of the meeting

6. At the opening of the expert group meeting, the head of the secretariat of the Permanent Forum on Indigenous Issues made a statement welcoming everyone to the meeting and outlining the objectives of the meeting.

## D. Election of officers

7. Myrna Cunningham Kain, a Permanent Forum member, was elected Chair of the workshop and Edward John, also a Permanent Forum member, was elected Rapporteur.

## E. Conclusions and recommendations

8. On 14 January 2011, the experts adopted by consensus the conclusions and recommendations contained in section IV below.

# III. Highlights of the discussion

9. Forests account for 30 per cent, or 3.2 billion hectares,[1] of the Earth's land area and are the traditional territories of many indigenous peoples. Indigenous peoples living in forests possess clearly defined rights to land and natural resources, including communal ownership of their ancestral lands. They manage the natural resources on their territories, exercise their customary laws, and represent themselves through their own institutions (see E/2010/43, para. 153). Global conflict concerning forests continues to affect indigenous peoples' rights. Forests and forest resources are often considered as belonging to the Government for the public, without any recognition that they are also home to indigenous peoples. In addition, important national programmes and policies, including those concerning poverty alleviation, continue to be framed around meeting national objectives of economic development in forests, rather than protecting indigenous peoples' right to self-determination and the protection of their traditional territories.

10. At the international level, policy discussions on how to address the global forest crisis continue unabated despite more than 10 years of global forest policy dialogue in international forums such as the Intergovernmental Panel on Forests (from 1995 to 1997), the Intergovernmental Forum on Forests (from 1997 to 2000), the United Nations Forum on Forests (from 2000 onward), and in parallel discussions within the framework of legally binding instruments such as the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the International Tropical Timber Agreement. There is also concern that the Framework Convention tends to focus much of its attention on reducing emissions from deforestation and forest degradation in developing countries as a contribution to climate change mitigation, rather than considering the overall global forest crisis (see E/CN.18/2009/13/Add.3).

[1] See http://www.forestpeoples.org.

11. Indigenous peoples have repeatedly stated that there is a need to address important issues such as the underlying forest degradation, traditional forest knowledge, indigenous peoples' rights to forests, criteria and indicators for sustainable forest management and monitoring, assessment and reporting on implementation of policies and laws related to sustainable forest management. A report by the Global Forest Coalition on the implementation of the expanded programme of work on forest biodiversity under the Convention on Biological Diversity also confirmed the concerns expressed by indigenous peoples. The report concluded, among other things, that there was a need for improved policy coherence in the field of forests (see E/CN.18/2009/13/Add.3).

12. Traditional forest knowledge forms the basis of indigenous peoples' views on forests. This knowledge has been emphasized in global discussions on forests. According to the report of the Secretary-General prepared for the fourth session of the United Nations Forum on Forests, in 2004, traditional forest-related knowledge is defined as "a cumulative body of knowledge, practice and belief, handed down through generations by cultural transmission and evolving by adaptive processes, about the relationships of living beings (including humans) with one another and with their forest environment" (E/CN.18/2004/7, para. 3). In many parts of the world, indigenous peoples are faced with the continuing encroachment on and expropriation of their lands, degradation of their forests and the erosion of their cultures, values and traditional lifestyles. Hence, it is not surprising that many indigenous peoples and their communities are making concerted efforts to preserve their traditional knowledge and their links to the land for future generations. In addition, issues connected to actual or potential expropriation of traditional knowledge by scientists and commercial interests, such as the patenting of medicinal plants that have been used by indigenous peoples for centuries, have both raised public awareness of the importance and relevance of traditional knowledge, and sparked contentious debates over intellectual property rights. The protection and preservation of traditional forest knowledge is an uphill battle for most indigenous peoples and their communities, in particular in the face of rising exploitation pressures on their forest resources.

13. While the management of forests traditionally has been considered the domain of indigenous men, it should be recognized that indigenous women also have a role in maintaining and managing forests. Indigenous women's particular role in forest management is not primarily related to income-generating activities, but rather to protecting forest products that are essential for the well-being of the community.[2] Indigenous women protect the forest against deforestation and the introduction of non-indigenous tree species, pass on cosmogonic knowledge, which is a key factor for forest conservation, and take advantage of the forest's resources in a rational manner, to build their houses, access food and provide the community with medicines and clothing. As income generators, indigenous women are involved in the extraction of non-wood products (handicrafts, furniture, etc.) and ecotourism projects. Indigenous women play a crucial role in promoting forest protection and as drivers of sustainable measures to adapt to changes. It is therefore of utmost importance to consider their inclusion in the design and implementation of forestry development policies.

[2] Iliana Monterroso, "Mujer y recursos boscosos: dos casos centroamericanos", World Rainforest Movement, Newsletter No. 63.

# IV. Conclusions and recommendations

### Conclusions

14. Forests have been owned and managed by indigenous peoples for thousands of years. For many generations, indigenous peoples have been able to fulfil their material and spiritual needs through skiiful management of their environment and, as a result, have been the main contributors to the conservation and preservation of forests. Indigenous peoples' rights to forests have been expressed as far back as the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, when the rights of indigenous peoples were considered to be the central component in solving the global environmental crisis, as set out in a section on indigenous peoples' rights in Agenda 21, the Kari-Oca Declaration and the Indigenous Peoples' Earth Charter.

15. Since the above-mentioned United Nations Conference in 1992, indigenous peoples' rights to land have increasingly been acknowledged at the international level. Participants made reference to international standards such as International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples (1989), which recognizes fundamental rights to ancestral lands, territories and resources of indigenous peoples (articles 14 and 15). The United Nations Declaration on the Rights of Indigenous Peoples also recognizes indigenous peoples' right to self-determination and to lands, territories and resources. International legal entities such as the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights have also confirmed that indigenous peoples hold property rights to their traditional lands. Both have authoritatively interpreted the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights as enshrining a duty on States to respect the rights of indigenous peoples to own and control lands and traditional resources.[3]

16. Participants drew attention to court rulings in various regions that confirm indigenous peoples' property rights to lands traditionally occupied and/or used. These include the *Awas Tingni*, *Belize* and *Saramaka* cases[4] and the recent decision by the African Commission on Human and Peoples' Rights in the *Endorois* case.[5] In addition, article 26.2 of the United Nations Declaration on the Rights of Indigenous Peoples proclaims that "[i]ndigenous peoples have the right to own, use, develop and control the lands ... they possess by reason of traditional ownership or other traditional occupation or use ...". Hence, international law supports in principle the notion that indigenous peoples hold property rights to forests traditionally used and the resources found therein.

17. Despite these developments in international law, implementation at the national level has been slow or non-existent. Indigenous peoples continue to lobby Governments for the full legal recognition of their traditional land rights. In many countries throughout the world, indigenous peoples lack any legal title to their land,

[3] See Committee on the Elimination of Racial Discrimination General Recommendation No. 23, and Committee on Economic, Social and Cultural Rights General Comment No. 21, para. 36.

[4] *The Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Judgement of 31 August 2001, *Maya Indigenous Communities of the Toledo District v. Belize*, Case No. 12.053, decision on 12 October 2004, and *Saramaka People v. Suriname*, Series C, No. 172.

[5] *Endorois Welfare Council v. Kenya*, Case No. 276/2003, in particular paras. 214 and 215.

while others can only count on insecure title, which often covers just a small fraction of their ancestral territories and can be revoked by Governments at any time. Untitled lands, often considered as State-owned forests, including trust lands administered by local governments on behalf of indigenous peoples, are subject to mining, hydroelectric dams, urbanization and timber concessions, with little if any regard to the rights of indigenous peoples.

18. The current focus on indigenous peoples' right to participation and consultation, or "process rights", on matters relating to forests was highlighted. Participants agreed that process rights were important but tended to obscure underlying material land rights to forests. In many instances, indigenous peoples are forced into discussions on partnerships regarding forests, but are not seen as decision makers. Hence, there is an urgent need to shift the focus in the indigenous rights discourse from a right to process to the underlying material rights to forests. Processes involving indigenous peoples need to create beneficial changes in proposed developments.

19. In cases where indigenous peoples do enter into framework consultation agreements with States, further work is required to ensure compliance with such agreements. An example where a framework for consultation could have been useful is the Haida case in British Columbia *(Haida Nation v. British Columbia (Minister of Forests))*. This case was brought when the Province of British Columbia transferred a tree farm licence (a type of timber harvest concession) from one company to another without consulting the Haida. The court ruled that the Haida had to be consulted and stated that the Crown could not override Aboriginal interests where claims affecting those interests were being seriously pursued in the process of treaty negotiation. It also emphasized that the duty to consult and accommodate was part of a process of fair dealing and reconciliation that began with the assertion of sovereignty and continued beyond formal claims resolution. States that do have framework agreements with indigenous peoples should honour those agreements. An example of an unimplemented agreement is the one between Quebec, Canada, and the Algonquin of Barrière Lake in 1991, which has led to confrontations.

20. International legal constructs such as the doctrine of discovery and the doctrine of *terra nullius* have served as the foundation of the violation of indigenous peoples' human rights. In many regions of the world, these doctrines are institutionalized in law and policy, at the national and international levels, and lie at the root of the violations of indigenous peoples' individual and collective human rights. This has resulted in State claims to, and the mass appropriation of, the lands, territories and resources of indigenous peoples, which has led to their dispossession and impoverishment and the host of problems they face today. These problems persist despite the fact that the doctrine of discovery and the doctrine of *terra nullius* have been formally revoked as enshrined in, for example, the legal sources referred to above.

21. The doctrine of discovery and the doctrine of *terra nullius* continue to affect indigenous peoples as a result of failure to apply a contemporary understanding of the right to non-discrimination in the context of indigenous peoples and their rights to lands, territories and resources. A correct understanding demands not only formal equality but equality in practice. Differences in culture must be taken into account when determining what constitutes true non-discrimination. In the context of

indigenous land rights, this implies that criteria of exclusivity and intensity of use are defined in ways that recognize indigenous land uses.

22. Participants noted that a major obstacle to recognition of indigenous rights to forests was that in many countries, the onus is on indigenous peoples to prove that they have used and/or occupied their traditional lands and territories. That was perceived as unjustified. Since indigenous peoples are the original inhabitants of their lands, the sensible and non-discriminatory approach would seem to be that States or third parties have the onus of proving that indigenous peoples have not traditionally used a particular land area. That is particularly true given that most indigenous cultures are oral in nature and aspire not to leave unnecessary traces on lands used. These aspects of indigenous cultures often render it extremely difficult for indigenous peoples to prove in non-indigenous courts and under non-indigenous legal systems that a specific area has been subject to traditional use.

23. Norway was mentioned as a positive exception. It was explained that the country had recently amended its rules of evidence so that the burden of proof was now shared between Saami reindeer herding communities and non-Saami title holders. In the Selbu case concerning usufruct rights to an area used for reindeer herding, the Norwegian Supreme Court held that the criteria for determining what land use gave rise to usufruct rights must take into account that reindeer roam large areas in search of pasture and that grazing might vary from year to year. Once the reindeer herding community had proved that a larger area had been used for reindeer husbandry and that the specific tract in dispute constituted good grazing land, the onus shifted to the title holders to prove that reindeer husbandry had not traditionally been pursued in the tract.

24. Participants learned of cases in the Supreme Court of Canada that recognized indigenous rights as *sui generis*. Another issue raised by participants was juridical pluralism, wherein State laws and customary laws often coexist. However, there was a concern that, in many instances, the judiciary has little if any knowledge of indigenous peoples, laws and legal systems. Thus, there is a general need for capacity-building and training of lawyers and judges in indigenous peoples' customary laws.

25. Forests need to be defined broadly, taking into account the philosophical and cultural principles reflected in indigenous peoples' values and teachings. This includes recognition of trusteeship responsibilities that were once exercised by indigenous peoples' the ancestors and are now being carried out by current generations. Forests are often seen within the context of their potential commodity values. The definitions of forests within States and United Nations processes often do not include indigenous peoples and their visions and aspirations. This has created conflicts among indigenous peoples, corporations and States. In addition, there are misconceptions that indigenous peoples are not good managers and cannot manage their own forests. This is an area that needs to be challenged.

26. Following a presentation by the secretariat of the United Nations Forum on Forests, participants expressed a keen interest in exploring ways to become involved in the International Year of Forests, 2011. There was particular interest in how to make indigenous peoples more visible during this important International Year of Forests.

27. Participants expressed concerns that forests continued to be seen as a frontier for development and, as a result, indigenous peoples were being expelled from forests. Beginning in colonial times, State laws and policies had declared forests as State property, which had often led to indigenous peoples being criminalized for entering and using forests that were part of their ancestral lands. Other concerns included armed conflicts in forests in some parts of the world, which affect the lives of indigenous peoples.

28. The participants expressed concern that deforestation and the exploitation of forests for agriculture, mono-crops, cattle ranching, extractive industries and plantations followed the dominant development paradigm, which is a problem rather than a solution for many indigenous peoples, and has made little or no contribution to improving their lives. The participants recognized that, for indigenous peoples, the compelling challenge was to develop and promote their paradigms for development supported by the United Nations Declaration on the Rights of Indigenous Peoples.

29. Participants heard concerns, in particular from experts in Africa and the Pacific, about the lack of recognition of indigenous peoples' rights to decision-making, their cultural rights and the need to protect communal rights to forests. Those issues were further exacerbated by the lack of capacity among indigenous peoples with respect to non-indigenous legal, political and economic processes. The challenge remained to build indigenous peoples' capacity to assert their customary authority. It was also important to consider human and financial resources because there were instances where such resources were more of an issue than capacity.

30. There were some positive examples of indigenous peoples' participation in forest management in Latin America, including crucial collective rights, such as autonomy, the incorporation of land rights in national legislation, the promotion and recognition of traditional forest knowledge, capacity-building and networking at the local, national and international levels for advocacy. For example, in Nicaragua, within the framework of autonomy, it had been recognized that collective land rights were inalienable, imprescriptible and non-seizable, and that indigenous forest concessions required the approval of the communities themselves and the autonomous government (which represents 22 per cent of the country). In the context of the multi-ethnic regional autonomy in Nicaragua, 16 territories had approved the formulation of a regional forestry strategy, with the participation of the State, private donors and indigenous peoples. Another positive example in Latin America related to Mexico, where community forest management had been strengthened by indigenous peoples, with the involvement of some higher education institutions that had worked with them to develop capacity-building/training courses that build on indigenous peoples' traditional forest knowledge.

31. Participants heard that 176,000 hectares of forest lands in New Zealand had been returned to Central North Island Maori as part of the Treaty of Waitangi settlement process. They had subsequently embraced carbon farming as a new opportunity. In the case of some tribal elders, carbon farming enabled them to exercise self-determination and autonomy and to promote initiatives on their terms. However, they also recognized that there were many risks and uncertainties, including what benefits returned to communities, how costs were assessed (carbon price and carbon trading rules are very uncertain), how best to manage carbon credit/debit mixes, what scientific evidence there was about carbon dioxide ($CO_2$)

absorption rates for trees of different ages, and so forth. Those and other issues would require careful consideration and research.

32. Participants were made aware of the results of the sixteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Cancun, Mexico. While the overall results were not very positive in terms of ensuring significant reductions of greenhouse gas emissions, the Cancun agreement under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention contained several references to human rights, including indigenous peoples' rights as contained in the United Nations Declaration on the Rights of Indigenous Peoples. The REDD-plus agreement contained references to the need to respect the rights of indigenous peoples and local communities, to ensure their full and effective participation, and the need to address the drivers of deforestation, land tenure issues and gender considerations. It recognized the multiple uses of forests and the need to stop the conversion of natural forests and to protect biological diversity. In addition, it was agreed that an information system should be established to provide information on how safeguards were being addressed and respected throughout the implementation of the REDD-plus activities.

33. The participants noted that corporations had a responsibility to respect human rights and to recognize that issues relating to indigenous peoples were the responsibility of States. There was a general view that Governments had a responsibility to consult with indigenous peoples and to provide benefits arising from the impacts of development. The basic principles of corporate social responsibility therefore needed to be based on policies and processes set up by corporations that respected the right to self-determination and free, prior and informed consent, with the State retaining ultimate responsibility. The participants agreed with the observations of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie, who considers it important to better understand the particular position and experiences of indigenous peoples. He has noted that States have clear duties to protect indigenous peoples' rights under regional and international human rights treaties and to take into account the guidance provided by the relevant human rights bodies on how those State duties might operate in the context of corporate-related abuse. With respect to corporate responsibility, Mr. Ruggie has consistently said that, in projects affecting indigenous peoples, companies should consider additional standards specific to those communities' conceptual and policy framework to advance the business and human rights agenda.

34. An expert provided a positive example of corporate social responsibility in the Russian Federation where, in the early 1990s, the Udege people had an open confrontation with the Terneiles Company, which provoked a crisis in the regional government. Indigenous peoples and the company established a relationship based on international standards regarding indigenous peoples. This included environmental impact studies as well as compensation. The discussions between the indigenous peoples and the company developed into a good relationship, based on the understanding that it was necessary to cooperate and trust in the partnership. This was also a highly positive experience for the community, as there was no clear policy on the part of the Government regarding the relationships between companies and indigenous peoples.

**Recommendations**

35. States should recognize indigenous peoples' rights to forests and should review and amend laws that are not consistent with the United Nations Declaration on the Rights of Indigenous Peoples and relevant human rights instruments as interpreted by their treaty bodies, which provide the framework for indigenous peoples' rights to forests. This includes their property rights systems and the right to make decisions and to be fully involved in decision-making processes.

36. The Office of the United Nations High Commissioner for Human Rights (OHCHR), the secretariat of the Permanent Forum on Indigenous Issues, ILO, the World Bank Group and other relevant United Nations agencies should focus on increasing the understanding of indigenous peoples' underlying material rights to land and the need to give material rights priority over process rights. These agencies should undertake analytical work on how the intensity and exclusivity criteria that are commonly encompassed in domestic property rights systems could be understood in the context of international human rights standards related to indigenous property rights.

37. The experts call upon the General Assembly to include the full and effective participation of the Permanent Forum on Indigenous Issues and indigenous peoples around the world in the preparation and organization of and follow-up to Rio+20.

38. The secretariats of the United Nations Forum on Forests and the Permanent Forum on Indigenous Issues, the Collaborative Partnership on Forests and other agencies, bodies, States and indigenous peoples' organizations should collaborate closely to ensure that indigenous peoples have full and effective participation in the initiatives of the United Nations Forum on Forests, in particular the commemoration of the International Year of Forests, 2011, to emphasize the central role of indigenous peoples as stewards of many of the world's most biologically diverse forests.

39. The Inter-agency Support Group on Indigenous Peoples' Issues should undertake initiatives to strengthen the capacity of Government officials to understand the rights, knowledge and governance systems of indigenous peoples and to develop and implement forest-related policies that are consistent with international human rights standards, in particular, the United Nations Declaration on the Rights of Indigenous Peoples.

40. Relevant United Nations agencies and indigenous peoples' organizations should document and provide training on indigenous peoples' customary law related to forests, to lawyers and judges, as part of an effort to strengthen juridical pluralism.

41. OHCHR should undertake a compilation of relevant provisions from United Nations human rights instruments that could be used for advocating, defending and promoting indigenous peoples' rights to lands, territories and resources. This should include jurisprudence drawn from the United Nations human rights treaty monitoring bodies, recommendations from United Nations special procedures, including the work of the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples.

42. The secretariats of the Permanent Forum on Indigenous Issues and the United Nations Forum on Forests should compile good practices on instances where

indigenous people exercise autonomy and where decision-making is vested in their hands. This compilation is to be disseminated as good practices of indigenous governance. In this context, there is also a need to strengthen indigenous governance systems.

43. The secretariats of the Permanent Forum on Indigenous Issues and the United Nations Forum on Forests should compile good practices on forests and indigenous peoples to inspire replication in other parts of the world. This could include good examples of forest management, including community forests, free, prior and informed consent, conflict resolution and mediation.

44. Relevant United Nations agencies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Fund for Agricultural Development (IFAD), the United Nations Forum on Forests and the Food and Agriculture Organization of the United Nations (FAO), should support the documentation of indigenous knowledge systems on forests, by indigenous peoples' organizations, with the proviso that free, prior and informed consent has been obtained from indigenous peoples. This analytical evidence could give greater credibility to indigenous peoples' expertise and help to dispel misconceptions that indigenous peoples are responsible for environmental degradation.

45. States should address the underlying causes and impact of deforestation on indigenous peoples.

46. The Permanent Forum on Indigenous Issues should strengthen its engagement with regional institutions such as the African Commission on Human and Peoples' Rights, the European Commission of Human Rights, the Asian Human Rights Commission, the Inter-American Commission on Human Rights and other such bodies to achieve greater implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

47. Extractive industries must respect the rights of indigenous peoples and recognize that they may enter indigenous peoples' territories only following an agreement reached through good-faith negotiations based on international human rights standards.

48. Corporate social responsibility must include the development of forestry impact benefit agreements with indigenous communities. There must also be agreements between States and indigenous peoples.

49. States should develop national legislation to ensure that the engagement of corporations with indigenous peoples is consistent with the United Nations Declaration on the Rights of Indigenous Peoples regarding forest resource extraction activities taking place on their lands. Such activities must be undertaken only with their free, prior and informed consent, and they must share in any benefits that accrue.

50. The secretariat of the Permanent Forum on Indigenous Issues should collaborate with OHCHR and ILO to ensure the protection of indigenous peoples' rights relating to their forest interests.

# Annex I

## Agenda and programme of work

| *Date/time* | *Item/programme* | |
|---|---|---|
| **Wednesday, 12 January 2011** | | |
| 10-10.30 a.m. | | Opening of the workshop by the Chair, secretariat of the Permanent Forum on Indigenous Issues |
| | Item 1 | Election of Chair and Rapporteur |
| | Item 2 | Adoption of agenda and organization of work |
| 10.30 a.m.-1 p.m. | | **Theme 1: International standards relevant to indigenous peoples and forests**<br><br>Analysis of international standards and recommendations that could be applied to indigenous peoples in protecting their rights to forests (e.g. United Nations Declaration on the Rights of Indigenous Peoples, Convention on Biological Diversity, United Nations Framework Convention on Climate Change, ILO conventions and others).<br><br>Analysis of how the goals and needs of indigenous peoples and forests may differ from the needs and goals of other interested forest stakeholders.<br><br>*Opening presentations*<br><br>Mattias Åhrén<br>Grand Chief Edward John |
| 3-6 p.m. | | **Theme 2: Case Studies on the positive and negative effects of development within forest areas on indigenous peoples and their communities**<br><br>Provide case studies where development projects in forest areas have negatively affected indigenous peoples and their communities by generating further poverty, severe inequality and other social problems. Highlight any lessons learned from such experiences.<br><br>Provide case studies of instances where indigenous peoples are working in forest partnerships with States, United Nations agencies, the private sector and donor agencies on alternative development practices that may have positive outcomes.<br><br>Provide case studies where indigenous peoples are revitalizing and integrating traditional knowledge in forest management. |

| *Date/time* | *Item/programme* |
|---|---|
| | *Presentations* |
| | Jan McAlpine, United Nations Forum on Forests secretariat<br>Simon William M'Viboudoulou<br>Ron Trosper |
| **Thursday, 13 January 2011** | |
| 10 a.m.-1 p.m. | **Theme 3: Factors that enable or obstruct indigenous peoples' participation in decision-making in relation to forests** |
| | Provide examples where indigenous peoples are effectively participating in decision-making at the international and national levels on issues relating to forests. |
| | Highlight initiatives that support indigenous peoples' governance and capacity-building efforts in forest management activities. |
| | Highlight measures of accountability and integrity in decision-making and the implementation of policies at the international and national levels in regard to indigenous peoples and forests. |
| | Identify obstacles, including lack of relevant statistics, lack of information and lack of technical support in all matters pertaining to indigenous peoples and forests. |
| | Highlight the persistent barriers that undermine indigenous peoples in exercising their rights and customary laws in relation to forests. |
| | Analyse the role of the donor community, conservationists and the private sector in enhancing or weakening indigenous peoples' livelihoods in forests. |
| | *Presentations* |
| | Myrna Cunningham Kain<br>Jennifer Koinante<br>Merata Kawharu<br>Paimaneh Hasteh |
| 3-6 p.m. | **Theme 4: Human rights and corporate responsibility in forest development programmes and projects** |
| | Highlight measures to incorporate a human rights-based approach to programmes and projects on forests. |

| *Date/time* | *Item/programme* | |
|---|---|---|
| | | Highlight measures to strengthen corporate responsibility in development programmes and projects on indigenous peoples' lands and forests.<br><br>Highlight measures for States to provide effective mechanisms for just and fair redress for adverse environmental, economic, social, cultural or spiritual impact on indigenous peoples' forests, territories and resources.<br><br>*Presentations*<br><br>Pavel Sulyandziga<br>Victoria Tauli-Corpuz<br>Marcial Arias García<br>UN-REDD (United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries)<br>World Bank |
| **Friday, 14 January 2011** | | |
| 10 a.m.-1 p.m. | Item 7 | Strategies to identify gaps and challenges and a possible way forward |
| 3-6 p.m. | Item 8 | Adoption of conclusions and recommendations |

# Annex II

## List of participants

### Members of the Permanent Forum on Indigenous Issues

Simon William M'Viboudoulou

Paimaneh Hasteh

Myrna Cunningham Kain

Grand Chief Edward John

### Invited experts

Victoria Tauli-Corpuz (Asia)

Jennifer Koinante (Africa)

Marcial Arias García (Central and South America and the Caribbean)

Ronald L. Trosper (North America)

Mattias Åhrén (Arctic)

Merata Kawharu (Pacific)

Pavel Sulyandziga (Russian Federation)

### United Nations system

Climate Investment Fund, World Bank

Food and Agriculture Organization of the United Nations

Inter-American Development Bank

International Fund for Agricultural Development

International Labour Organization

Office of the United Nations High Commissioner for Human Rights

Regional commissions, New York Office

UN-REDD Programme, United Nations Development Programme

United Nations Environment Programme

United Nations Educational, Scientific and Cultural Organization

United Nations Children's Fund

World Intellectual Property Organization

World Bank

### Non-governmental organizations

British Columbia First Nations Energy and Mining Council, Canada

Conservation International

Earth Peoples

Indigenous World Association

Kirat Chamling Language and Cultural Development Association, Nepal

Rapanui Parliament

State University of New York, United States of America

Tribal Link Foundation

University of Auckland, New Zealand

### States

Belgium

Bolivia (Plurinational State of)

Brazil

Canada

Chile

Egypt

Hungary

Russian Federation

Spain

United States of America

Viet Nam

### Other entities

European Union

Holy See

# Annex III

## List of documents

Concept note for the Expert Group Meeting on Indigenous Peoples and Forests

Programme of work for the Expert Group Meeting on Indigenous Peoples and Forests

Paper submitted by Permanent Forum member Grand Chief Edward John

Paper submitted by Permanent Forum member Simon William M'Viboudoulou

Paper submitted by Permanent Forum member Paimaneh Hasteh

Paper submitted by Permanent Forum member Myrna Cunningham Kain

Paper submitted by expert Jennifer Koinante

Paper submitted by expert Marcial Arias García

Paper submitted by expert Merata Kawharu

Paper submitted by expert Mattias Åhrén

Paper submitted by expert Ronald L. Trosper

Paper submitted by expert Victoria Tauli-Corpuz

All the reports, including other documents submitted during the meeting, can be found on the website of the secretariat of the Permanent Forum: http://www.un.org/esa/socdev/unpfii/en/EGM_IPF.html.